

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

vs.

BRYAN S. BEHRENS, et al.,

Defendants.

8:08-CV-13

ORDER

This matter is before the Court on correspondence from pro se defendant Bryan S. Behrens (filing [353](#)) that the Court has interpreted as a motion for copies, to extend the reply deadline on Behrens' motion to compel (filing [323](#)), and to extend the time to pay the filing fee on appeal. The Court will grant the motion as follows.

Behrens' first request is for copies of filings that were sent to him, but that he claims not to have received. While Behrens does not have the right to receive copies of documents without payment, *see* filing [348](#), he does have the right to be served with paper copies of documents filed electronically. *See, Fed. R. Civ. P. 5(d)(3);* NECivR [5.2\(b\)\(1\)](#) The Court notes that the filing parties have certified that copies of their responses to Behrens' motion to compel were mailed to him. *See, filings* [344](#) at 13, [346](#) at 3, and [349](#) at 15. Nonetheless, the Court will (for now) accept Behrens' representation that he did not receive them, and in the interest of expedience will direct the Clerk of the Court to send copies to Behrens along with this order.

Next, Behrens asks whether he can respond to those filings. The Court will permit Behrens to reply in support of his motion to compel pursuant to NECivR [7.1\(c\)](#), which provides that a moving party may reply

within 7 days after the opposing party files and serves the opposing brief. The reply brief may not merely repeat the moving party's initial arguments, but rather must address factual or legal issues raised in the opposing brief. No party may file further briefs or evidence without the court's leave.

The Court will consider Behrens' question about whether he can respond, and his representation that he was not notified of the filings in opposition, as a

motion for additional time to reply. See [Fed. R. Civ. P. 6\(b\)\(1\)\(A\)](#) and [NECivR 6.1\(a\)\(2\)](#). The Court will grant that motion. In order to be considered, any reply Behrens wishes to file should be *received* by the Court on or before August 12, 2013. The Court intends that time to include the time necessary for delivery by mail, and will consider Behrens' motion to compel to be fully submitted and ripe for disposition as of August 13, 2013.

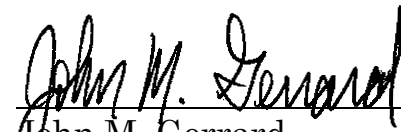
Finally, Behrens asks for a 30-day extension of the initial partial filing fee deadline set for August 2, 2013. See filing [337](#). The Court will grant that motion. Behrens shall pay the initial partial filing fee by September 3, 2013.

IT IS ORDERED:

1. Behrens' motion (filing [353](#)) is granted.
2. Behrens shall pay an initial partial filing fee of \$18.23 by September 3, 2013.
3. The Clerk of the Court is directed to reset the case management deadline to September 3, 2013.
4. The Clerk of the Court is directed to send a copy of this order to the Eighth Circuit Court of Appeals.
5. The Clerk of the Court is directed to send Behrens, along with this order, copies of filings [344](#), [346](#), and [349](#).
6. Behrens may reply in support of his motion to compel (filing [323](#)) on or before August 12, 2013. The motion to compel will be ripe for disposition on August 13, 2013.

Dated this 25th day of July, 2013.

BY THE COURT:

  
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John M. Gerrard  
United States District Judge